

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CARNEGIE MELLON UNIVERSITY,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 09-290
)	Judge Nora Barry Fischer
MARVELL TECHNOLOGY GROUP, LTD.)	
et al.,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 21st day of February, 2014, upon consideration of the Court's January 28, 2014 Order, (Docket No. [928]), the parties' Joint Submission Regarding the Selection of a Special Master (Docket No. [929]), and having conferred with the parties' proposed Special Master, the Honorable Thomas Frampton, who has advised that he has no conflicts and is able to accept the Court's appointment,

IT IS HEREBY ORDERED that pursuant to Rule 53 of the Federal Rules of Civil Procedure, and with consent of the parties, the following individual is appointed as a Special Master in this case:

The Honorable Thomas Frampton
Goehring Rutter & Boehm
437 Grant Street
14th Floor
Pittsburgh, PA 15219-6107
Phone: 412-281-0587
Email: tframpton@grblaw.com

IT IS FURTHER ORDERED that the Special Master's duties will include presiding over the parties' bond negotiations in light of the Court's rulings sustaining the jury's verdict of

\$1,169,140,271.00, (Docket No. 901), denying Marvell's laches defense, (Docket No. 920), and any additional rulings which are issued resolving the pending motions brought by CMU seeking supplemental damages, prejudgment and post-judgment interest, enhanced damages, a permanent injunction and/or an ongoing royalty, (*see* Docket Nos. 786, 788, 790 and related briefing), facilitating those negotiations through mediation or otherwise, preparing a Report and Recommendation for the Court on any contested issues between the parties related to the bond, including any discovery objections/motions related to CMU's discovery-in-aid of execution served on Marvell, and any other duties which are assigned to the Special Master by the Court, as authorized by Rule 53 of the Federal Rules of Civil Procedure. *See* FED. R. CIV. P. 53(a).

IT IS FURTHER ORDERED that the Special Master shall diligently perform his duties in a timely and efficient manner. He shall initially endeavor to facilitate and mediate the parties' bond negotiations starting as soon as possible and throughout the period of time for which the Court permits the parties to submit a proposed final judgment after resolving the outstanding post-trial motions (a period of time which the Court intends to set at 14 days) and the 14-day period between the Court's entry of final judgment and the deadline for the filing of a notice of appeal set forth in the Federal Rules. In the event that the parties' bond negotiations are unsuccessful, the Special Master shall establish a briefing schedule for any contested motions practice on the bond issues, and the parties shall jointly seek an extension of the time from the Court to file any appeals in order to permit the resolution of such issues initially by the Special Master's Report and Recommendation (within 30 days of the matter being fully briefed and argued) and the final resolution of any objections to same by the Court. The Court strongly believes that any contested discovery matters should be resolved through mediation but, in the event that the parties bring contested discovery motions to the

Special Master, he shall prepare a Report and Recommendation on such discovery motions within 14 days of the matter being fully briefed.

IT IS FURTHER ORDERED that the Special Master shall have the authority to convene conferences (in person, by telephone and/or videoconferencing), accept evidence from the parties, order briefing on certain issues and/or resolve disputes as he deems appropriate. In addition, any Report and Recommendation by the Special Master must be filed on the Court's CM/ECF System and any objections to same must be filed within 14 days, along with the underlying materials presented to the Special Master (including any briefing, evidence and/or transcript(s) of proceedings) which shall be filed with the Court by the objecting party and a courtesy copy of same shall be promptly hand delivered to this Court's Chambers. Any responses to objections by the opposing party shall be filed within 14 days. No further briefing will be permitted without leave of court. If no objections are filed within the 14 day period, the Court will adopt the Report and Recommendation as the Opinion/Order of the Court.

IT IS FURTHER ORDERED that the fees of the Special Master shall be shared equally by the parties (50% by CMU and 50% by Marvell) and said Special Master fees shall not be recoverable by an opposing party in this action.

FINALLY, IT IS ORDERED that the parties shall provide Judge Frampton with any file materials necessary to the disposition of his duties as Special Master (including prior filings on the CM/ECF System) through email, disk or hard copy, at his preference, and at the cost of the parties.

s/Nora Barry Fischer
Nora Barry Fischer
U.S. District Judge

cc/ecf: All counsel of record

The Honorable Thomas Frampton
Goehring Rutter & Boehm
437 Grant Street
14th Floor
Pittsburgh, PA 15219-6107
Phone: 412-281-0587
Email: tframpton@grblaw.com